

HOUSE BILL 211

P1

0lr1477

By: ~~Delegate Morhaim~~ Delegates Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

Introduced and read first time: January 22, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Government – Open Meetings Act – Notice and Complaints**

3 FOR the purpose of requiring a complaint filed with the State Open Meetings Law
4 Compliance Board to be filed within a certain time period; requiring that notice
5 of a meeting of a public body include the date the notice is posted; altering
6 certain notice requirements; requiring a public body to give notice of a meeting
7 by certain methods under certain circumstances; authorizing a public body to
8 give notice of a meeting by certain additional methods; repealing certain
9 requirements related to notice of a meeting of a public body; and generally
10 relating to notice and complaints under the Open Meetings Act.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 10–502.5(a)
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–502.5(b) and 10–506
19 Annotated Code of Maryland
20 (2009 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – State Government**

4 10–502.5.

5 (a) Any person may file a written complaint with the Board seeking a
6 written opinion from the Board on the application of the provisions of this subtitle to
7 the action of a public body covered by this subtitle.

8 (b) The complaint shall:

9 (1) be signed by the person making the complaint; [and]

10 (2) identify the public body, specify the action of the public body, the
11 date of the action, and the circumstances of the action; AND

12 **(3) BE FILED WITHIN 1 YEAR AFTER THE ACTION THAT IS THE**
13 **BASIS FOR THE COMPLAINT OCCURRED.**

14 10–506.

15 (a) Before meeting in a closed or open session, a public body shall give
16 reasonable advance notice of the session.

17 (b) [Whenever reasonable, a notice] **NOTICE** under this section shall
18 **INCLUDE:**

19 (1) [be in writing;

20 (2) include] the date, time, and place of the session; [and]

21 **(2) THE DATE THAT A NOTICE PROVIDED UNDER SUBSECTION**
22 **(C)(1) OF THIS SECTION IS POSTED; AND**

23 (3) if appropriate, [include] a statement that a part or all of a meeting
24 may be conducted in closed session.

25 (c) **(1)** A public body [may] **SHALL** give the notice under this section [as
26 follows]:

27 [(1) if the public body is a unit of the State government, by publication
28 in the Maryland Register;

1 (2) by delivery to representatives of the news media who regularly
2 report on sessions of the public body or the activities of the government of which the
3 public body is a part;

4 (3) if the public body previously has given public notice that this
5 method will be used:

6 (i) by posting or depositing the notice at a convenient public
7 location at or near the place of the session; or

8 (ii) by posting the notice on an Internet website ordinarily used
9 by the public body to provide information to the public; or

10 (4) by any other reasonable method]

11 **(I) UNLESS THE PUBLIC BODY DOES NOT REGULARLY USE A**
12 **WEBSITE TO PROVIDE INFORMATION TO THE PUBLIC OR HAVE ACCESS TO A**
13 **WEBSITE TO PROVIDE INFORMATION TO THE PUBLIC, BY POSTING THE NOTICE**
14 **ON A WEBSITE THAT IS REGULARLY USED BY THE PUBLIC BODY ~~TO PROVIDE~~**
15 **INFORMATION TO THE PUBLIC; OR; AND**

16 **~~(II) IF THE PUBLIC BODY DOES NOT REGULARLY USE A~~**
17 **~~WEBSITE TO PROVIDE INFORMATION TO THE PUBLIC OR HAVE ACCESS TO A~~**
18 **~~WEBSITE TO PROVIDE INFORMATION TO THE PUBLIC, BY POSTING THE NOTICE~~**
19 **~~AT A LOCATION ACCESSIBLE TO THE PUBLIC AND REGULARLY USED BY THE~~**
20 **~~PUBLIC BODY FOR POSTING NOTICES.~~**

21 **(2) IN ADDITION TO PROVIDING NOTICE IN ACCORDANCE WITH**
22 **PARAGRAPH (1) OF THIS SUBSECTION, A PUBLIC BODY MAY GIVE NOTICE OF A**
23 **MEETING BY ANY METHOD THAT THE PUBLIC BODY CONSIDERS APPROPRIATE,**
24 **INCLUDING BY DELIVERY TO REPRESENTATIVES OF THE NEWS MEDIA WHO**
25 **REGULARLY REPORT ON SESSIONS OF THE PUBLIC BODY OR THE ACTIVITIES OF**
26 **THE GOVERNMENT OF WHICH THE PUBLIC BODY IS A PART.**

27 (d) A public body shall keep a copy of a notice provided under **SUBSECTION**
28 **(C)(1)** OF this section for at least 1 year after the date of the session.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2010.